

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in Conference Room 1A, County Hall, Ruthin on Thursday, 9 May 2019 at 10.00 am.

PRESENT

Councillors Brian Blakeley, Meirick Davies, Anton Sampson, Glenn Swingler, Andrew Thomas and Graham Timms (Vice-Chair)

Councillor Huw Hilditch-Roberts, Lead Member for Education, Children and Young People was in attendance for Agenda Items 5 and 6 at the Committee's request.

Councillors Julian Thompson-Hill, Lead Member for Finance, Performance & Strategic Assets was in attendance for Agenda Item 7 at the Committee's request.

Co-opted Members – Kathleen Jones, David Lloyd and Neil Roberts

Councillors Rhys Thomas and Emrys Wynne attended as observers

ALSO PRESENT

Corporate Director: Economy and Public Realm (GB), Corporate Director: Communities (NS), Head of Education & Children Services (KIE), Planning and Resources Manager (IL), Principal Manager - Modernising Education (GD), Chief Accountant (SG), Business Support Manager (PB), Business Support Officer (Contracts & Performance) (RT), Chief Executive Citizens Advice Denbighshire (CAD)(LP), Scrutiny Coordinator (RhE), and Committee Administrator (RTJ)

1 APOLOGIES

Apologies for absence were received from Councillors Merfyn Parry, Huw Williams, Tina Jones, Rachel Flynn and Cheryl Williams.

2 DECLARATION OF INTERESTS

Councillors Graham Timms, Glenn Swingler, Meirick Lloyd Davies, Brian Blakeley, Anton Sampson together with David Lloyd all declared a personal interest in item 5 as they were all School Governors.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters were raised.

4 MINUTES

The minutes of the Communities Scrutiny meeting held on 14 March 2019 were submitted.

Matters Arising –

- Page 8 – Item 5 – School Meal Debt Policy – members were concerned that the revised School Meal Debt Policy seemed to have been circulated to schools prior to it being circulated to councillors under the Delegated Decision process. Members wanted reassurances that their recommended amendments had been incorporated into the final policy. Officers undertook to enquire if this had happened and whether the Delegated Decision in relation to it had been published.
- Page 11 – Item 6 - Gypsy and Traveller Site Provision – Both sites had been taken to Cabinet, the permanent residential site would be pursued, whilst the transit site would not be pursued at the same location and that another location would be sought for the transit site during the development of the new LDP.

RESOLVED that the minutes of the Communities Scrutiny meeting held on 14 March, 2019 be received and approved as a correct record.

5 DENBIGHSHIRE'S LEARNER TRANSPORT POLICY

The Lead Member for Education, Children and Young People introduced the Education and Resources Manager's report and appendices (previously circulated) which provided details of the non-statutory elements within Denbighshire County Council's Learner Transport Policy 2018.

During his introduction the Lead Member explained that the county's current Learner Transport Policy came into effect in September 2018, following a consultation exercise with all stakeholders the previous year. The policy represented how the Council discharged its duties under the Learner Travel (Wales) Measure 2008. Whilst reviewing the policy in 2017 a number of anomalies had come to light i.e. hazardous routes, feeder schools and the importance of their relationships with the secondary schools to whom they were affiliated etc. These anomalies were rectified in the revised policy. This policy review along with changes in policy relating to transport provision for pupils attending special schools and transport providers passing on inflationary costs had resulted in the cost of school transport in the county during 2018/19 increasing by approximately £350K. Such an increase would be unsustainable in the long-term. The Lead Member confirmed that the school transport budget was held by the Highways and Environment Service, but it was the Education Service who determined a pupil's eligibility to receive free transport. Whilst this may seem strange, it worked well as Education officers were familiar with the relevant pieces of legislation which governed educational and learner transport eligibility, but the expertise in tendering and procuring transport and knowledge of public transport availability was located in the transport team in the Highways and Environment Service.

Members were advised by the Lead Member that the provision of transport for pupils to access non-statutory elements of education was an extremely contentious issue, which had resulted in a number of local authorities who had proposed or even explored the potential of withdrawing free transport or levying a charge for transport i.e. to faith based or Welsh medium provision, being subject to adverse

press/media coverage and even legal challenge. Whilst withdrawing or levying a charge for the provision of transport to enable pupils to access non-statutory education had the potential to realise some substantial savings for the Council, it would be important that the impact of any change on the education of the county's pupils and supporting them to gain the knowledge and skills required by employers was assessed. This was particularly important in relation to post-16 education. The Council currently spent circa £1m annually on transporting students to post-16 education provision.

Responding to members questions the Lead Member for Education, Children and Young People; the Lead Member Finance, Performance and Strategic Assets; and the Head of Education and Children's Services:

- confirmed that the Authority had a legislative duty to comply with the Learner Travel (Wales) Measure alongside other legislative requirements relating to the provision of education
- advised that any proposal to withdraw free transport to non-statutory education provision would most likely attract negative media coverage. The least contentious element would most probably be transport for post 16 students. Nevertheless, this was not without its risks, particularly on pupils' future career opportunities and the wider economy;
- advised that learner transport in Denbighshire currently cost the Authority approximately £2.5m per year in total. Costs varied from county to county, with larger geographical areas spending a far higher amount on learner transport;
- illustrated the complexities involved with free learner transport determinations e.g. some pupils may well qualify under a number of different categories i.e. Welsh Medium, faith, Special Educational Needs (SEN), hazardous routes etc. whilst others may not qualify at all;
- confirmed that whilst £600K had been added to the learner transport budget two years ago to help ease the pressures on it, this was still insufficient as the budget was continually overspent. This was a recurring problem;
- explained that it was anticipated that further changes to SEN legislation would place increased pressure on the Learner Transport budget, whilst fluctuating fuel prices and increasing maintenance costs, all of which were outside of the Authority's control also put additional pressure on the budget. In addition the Welsh Government (WG) had cut its budget to the Council for school transport provision; and
- confirmed that a good working relationship existed between Education Service staff and those who worked for the Council's Transport Department. Whilst it may seem unusual that the learner transport budget was administered and managed by the Transport Department (within the Environment and Highways Service) there was a valid reason for this approach. This being that transport management expertise and intelligence in relation to co-ordinating all modes of transport lay within the Transport Service. Education Service officers determined the eligibility of a pupil/student for free school transport, once eligibility had been determined the Transport Service then commissioned and co-ordinated the availability of transport for the individual pupil. This approach worked effectively for all concerned;

Members acknowledged the complexities associated with learner transport and education related legislation. They were firmly of the view that, in order to facilitate a thorough review of the non-statutory elements of the Council's Learner Transport Policy, it would be beneficial to establish a working group of members and officers from both the Education and Transport Services to look at all aspects of transport to non-statutory education provision. This group would be able research the approach taken by other local authorities along with the risks and potential impacts associated with withdrawing any element of free transport to non-statutory provision in the future. Lead Member and officers concurred with this approach. They felt that this would provide greater clarity in relation to transport to statutory and non-statutory education provision which would help everyone's understanding of what the Council was providing and the reasons why it was provided. Committee members emphasised the need for the Working Group when undertaking its work to have regard to the rural nature of the county and ensure that no child/student was disadvantaged because of where they lived. The Working Group should also explore the costs of retaining the various elements of learner transport to non-statutory education provision as well as identify potential means for funding the service. As part of its work the Group could determine whether it wanted examine how other local authorities dealt with and funded the provision of learner transport to non-statutory education provision and their effectiveness, potential methods to be utilised to undertake its review i.e. consultations, surveys etc., and approaches towards encouraging students into further education etc.

Following an in-depth discussion the Committee:

Resolved: - having considered the report and with regard to the above observations:

- (a) to establish a Working Group comprising of five Committee members and one education co-opted member, supported by officers from the Council's Education Service and Transport Department to examine Denbighshire's Learner Transport Policy in respect of providing transport to non-statutory education provision. The Working Group to specifically focus its work on:***
 - (i) providing clarity and an improved understanding of the Council's annual learner transport budget and the cost of transporting pupils/students to statutory and non-statutory, discretionary and non-discretionary education, including an enhanced knowledge of education and learner transport legislation and their impact on the budget;***
 - (ii) assessing the potential impact of withdrawing the provision of free learner transport for pupils/students who access the various non-statutory or discretionary educational elements currently offered, including any risks to the wider education provision in the area and to the skills base required in local economy; and***
 - (iii) ensuring that every pupil/student in the county has fair and equitable access to education provision and is not discriminated against in any way.***
- (b) to seek expressions of interest from Committee members and co-opted members to serve on the working group and that its draft terms of reference be shared with the Committee in due course; and***
- (c) that the working group report its findings and recommendations to the Committee upon the conclusion of its work***

6 IMPACT OF THE CLOSURE OF YSGOL RHEWL

The Lead Member for Education, Children and Young People introduced the Principal Manager: Modernising Education's report (previously circulated) which outlined the support provided to Ysgol Rhewl during the process undertaken to close the school. Attached to the report were appendices summarising the responses received from parents to the questionnaires issued to them, comments received from the schools receiving the remaining pupils along with the observations received from the Acting Headteacher at Ysgol Rhewl at the time of the closure. The Lead Member informed the Committee that only two parents had responded to the questionnaire issued, and of the seven schools that had received pupils from Rhewl five had responded. Some of the feedback received was also contradictory.

It had initially been anticipated that the majority of pupils would transfer to the new schools in Ruthin, however this had not happened. A number of the children had transferred to schools in other areas of the county, some because they lived closer to those schools and others due to parental choice. The Lead Member acknowledged that it was never a pleasant experience to close a school, but it was however pleasing to report that the former pupils had settled well into their new schools. Members were informed by the Principal Manager: Modernising Education that officers from the Council's Education Service had worked closely with the Acting Headteacher at Ysgol Rhewl throughout the whole closure and transfer process. He also advised that the Acting Headteacher had worked diligently with pupils and parents under very difficult circumstances. As well as providing support to parents (including one to one and group meetings), pupils, and the governing body the Council had also provided support, either directly or indirectly, via Careers Wales, to school staff affected by the closure - a fact reflected in the Acting Headteacher's comments. The Head of Education and Children's Services requested it be noted that despite the fact that the Council was undertaking a disappointing and unpleasant experience for them personally the school community at Ysgol Rhewl had conducted themselves impeccably and always been professional, polite, respectful and courteous towards Education Service officers

Responding to members' questions the Lead Member and officers:

- acknowledged that communities valued their school buildings and advised that the Council did initially offer the local community the option to buy redundant school buildings. Where no community facilities existed this had the potential to provide the community with an opportunity to acquire an amenity. Rhewl already had a well-equipped and well used Sports Pavilion, therefore there was no community interest in purchasing the school building which was in a poor state of repair;
- advised that officers had done their utmost to engage with parents, pupils and the school community and to support them through the process, there would always be lessons to be learnt for the future;
- advised that it was important that support etc. was available when parents and stakeholders were ready to engage. Due to the sensitiveness of school closure proposals not all those affected were ready to engage or access

support at the same time. Building flexibility into the process would therefore be key;

- confirmed that some pupils/parents had changed their choice of school of transfer following attending taster days at different schools;
- advised that support had also been provided by the Education Service to those schools who received pupils from Ysgol Rhewl;
- confirmed that the decision not to move those pupils of Ysgol Rhewl whose new school of choice was Rhos Street School to the new school when it opened, but rather to wait until the new academic year, had been taken following discussion and consultation with the Acting Headteacher. It was felt that this was a better approach as it would avoid the need for Year 6 pupils to move for just one term and then move on to secondary education again in the autumn term;
- advised that there was no indication that changing schools had adversely affected pupils' attainment. Two of the schools that had received pupils from Ysgol Rhewl had recently been inspected by Estyn and had received very good inspection reports. A report on the impact of the review of primary education provision in the Ruthin area in its entirety was scheduled for presentation to the Committee at its October 2019 meeting. That report would include an assessment of any impact on pupils' attainment;
- confirmed that the Acting Headteacher had returned to a post at her previous school, some staff had taken redundancy packages whilst others had found alternative employment. The Principal Manager: Modernising Education agreed to circulate more detailed information relating to this and on work being undertaken by the Council's Youth Services to members; and
- reassured the Committee that Rhewl was a village which had strong community links and numerous well established community activities were held there on a regular basis

At the conclusion of the discussion the Committee:

Resolved: - *subject to the above observations to acknowledge the feedback received and the lessons learnt that will be used for future planning within the Education Service*

At this juncture (11.45 a.m.) there was a 10 minute break.

The meeting reconvened at 11.55 a.m.

7 UNIVERSAL CREDIT

The Lead Member for Finance, Performance and Strategic Assets introduced the Contracts and Performance Project Manager - Finance's report (previously circulated) which summarised the impact to date of the rollout of Universal Credit (UC) on the County's residents, the effectiveness of mitigation measures, and outlined the plans in place to mitigate the effects on services and residents of the migration of current benefit recipients on to UC in due course. He welcomed the Chief Executive of Citizens Advice Denbighshire (CAD) to the meeting as one of the Council's key partners for delivering support in relation to UC in the county. He explained that the report was being presented to the Committee at members'

request following consideration of a report last year on preparations the Council and its partners were making in readiness for the initial rollout of UC to the majority of the county.

During his introduction the Lead Member advised that the latest information received from the Department of Work and Pensions (DWP) indicated that 'managed migration' of current benefit recipients on to UC should commence in Denbighshire in late 2020. He outlined the membership of the multi-disciplinary Universal Credit Board which the Council had established in a bid to mitigate the risk to the Council and residents of the introduction of UC. Denbighshire's approach in establishing a multi-disciplinary team, which included representatives from the DWP and Citizens Advice Denbighshire (CAD), differed from that of other local authorities the majority of whom seemed to have established Finance or Revenues & Benefits based boards. Since UC had been rolled-out in Denbighshire new legislation had been introduced relating to housing benefits and free schools meals etc. this had necessitated additional work for staff dealing with those areas and with UC claims. The Council and its partners' approach to co-locate staff within Rhyl Job Centre had proved extremely useful in dealing with the changes, drawing potential entitlement to benefit claimants' attention and providing intervention services in a timely manner to avert a crisis situation occurring. Appendix 2 to the report detailed specific measures taken by individual services and the results achieved, whilst Appendix 3 provided anonymous case studies to illustrate the effectiveness of the approach taken by the Council and its partners.

Responding to members' questions the Lead Member for Finance, Performance and Strategic Assets; the Chief Executive of CAD; the Contracts and Performance Manager - Finance; and the Contracts and Performance Project Manager - Finance:

- advised that up until 31 March 2019 UC had been a passport benefit for Free School Meals (FSMs). From 1 April 2019 an income threshold of £7,400 had been introduced for FSM. However anyone entitled to FSMs on 31 March 2019 had been passported over to FSMs under the new Scheme. To facilitate this work the Welsh Government (WG) had commissioned a company called Atkins to support Local Authorities in Wales to undertake the work;
- agreed that homelessness in the under 35 age group was a growing concern. Homelessness was not solely due to UC, there were often a number of contributory factors;
- confirmed that whilst different benefits or tax credits had been combined under the umbrella of UC that did not mean that claimants had lost any benefits. These former benefits were now various components of the new UC benefit. Whilst some premiums had been discontinued, others had been introduced. The objective of the new UC was to support those able to work back into work whilst ensuring that the vulnerable and those unable to work were supported. It was now possible for some individuals to work and receive an element of UC. UC was calculated on an individual's circumstances;
- confirmed that CAD now had a resource located within Rhyl JC to help with homelessness enquiries. This post which was resourced via a European Union (EU) scheme was funded until April 2020 and provided an

unemployed individual with valuable experience for future employment opportunities;

- advised that Civica had confirmed that there had not been a drastic increase in Council Tax arrears as a result of the rollout of UC. However, the Revenues and Benefits Service administered by Civica had recorded a 33% increase in its workload since UC had been introduced. This was attributed to the more complex processes involved with UC and greater engagement with customers. Civica were fully engaged with UC and the Board's work. CAD, through Job Centre Plus, was promoting the availability of Housing Benefit (HB), Council Tax Benefit (CTB) and FSMs;
- confirmed that residents in the Dee Valley area who claimed their UC benefit via Wrexham Job Centre had also been supported, similarly to those who claimed via Rhyl Job Centre. Seven rural villages and hamlets in south Denbighshire and residents in the Dee Valley area had been provided support to access services, advice and information by CAD through the South Denbighshire Community Partnership. In addition to CAD's presence at Llangollen library one day a week, Skype facilities were available also at Llangollen Library on the other days to the Citizens Advice office in Ruthin. Effective working relationships existed between the Council's Library staff, CAD and Job Centre Plus staff across the county;
- advised that whilst the DWP on a UK basis had announced that its funding to support UC claimants, currently paid to local authorities, would cease from April 2019 and be transferred directly to the Citizen's Advice Bureau, due to Denbighshire's close and strong working relationship with CAD, who was already delivering the majority of UC support services for the Council under contract this change should not have a detrimental impact on the Council or its residents. This would equate to a loss of income of £15K for the Library Service, however the Service did not anticipate excessive additional pressures due to the loss of income;
- reminded members that Citizens Advice, including CAD, was a research and campaigning organisation as well as one that supported individuals. The organisation had been successful nationally in securing the backdating of benefits for claimants under the 'Treat as Made' campaign. In Denbighshire, as well as delivering services from its office bases, CAD had an outreach service which could meet people in the community or in their own home. They also had recently started delivering services in Bodelyyddan via its outreach services;
- CAD had a digital suite at its Rhyl office which was used, amongst other things, to help improve benefit recipients' digital skills. CAD was also in discussion with DWP with a view to the DWP co-locating a member of its staff periodically at CAD offices in Denbigh, Ruthin, Corwen and Llangollen;
- confirmed that the graph in Appendix 1 of the report illustrating an increasing number of residents in receipt of UC was positive as it indicated that DWP, CAD and the Council's approach was effective and meant that residents were engaging with the process at an early stage and potentially averting reaching crisis point;
- advised that there was no data available to suggest that private landlords were opting out of letting property to people in receipt of UC, due to the onus being on the tenant to pay their rent to the landlord. The Council's Planning and Public Protection Service was in the process of arranging a Private

Landlords Forum event in June. CAD, Civica, County Council departments, Registered Social Landlords (RSLs) would be taking part in this event, and an invite would be sent to county councillors. Whilst there was an expectation for the benefit recipient to be responsible for paying his/her rent to the landlord, there was an opportunity for the tenant to opt for the rent to be paid directly to the landlord. However, this option was not effectively promoted at present;

- advised that CAD had improved its processes to help claimants set-up banking facilities in order to receive benefit payments;
- advised that the DWP would listen to CAD if they had serious concerns relating to a claimant's claim or circumstances, be they a couple, family unit or a single person;
- confirmed that some work had been instigated with the Homelessness Prevention Team to establish whether there was any correlation between the introduction of UC and the numbers of individuals presenting themselves as homeless;
- confirmed that at present it was only new claims and those claimants who had experienced a 'change in circumstances' that were eligible to claim UC. Current 'legacy benefits' claimants were likely to start migration from approximately late 2020 onwards in Denbighshire, although the exact date had not yet been confirmed by DWP;
- advised that the payment of UC was a five week process. However, during that time the claimant could apply for an advance of up to 100% of his/her entitlement. Citizens Advice nationally was campaigning to reduce the process to a four week one, in order to mirror the process for employees. HB run-on was also available to support claimants;
- confirmed that CAD worked closely with local foodbanks. Foodbanks were only a temporary solution, a 'sticking plaster'. CAD would work with families and individuals in crisis in order to get to the root of the problem and eradicate it for the future;
- confirmed that DWP locally were extremely flexible and open to working closely with CAD and the Council with a view to solving individual problems; and
- advised that at present all partners did not foresee any major problems occurring during the migration of current legacy benefit recipients onto UC. Whilst some of the legacy benefits recipients would possibly have been economically inactive for some considerable amount of time and possibly not very IT literate or used to managing money in a different way, they would also in the main have more settled lifestyles i.e. people going onto UC currently are doing so because of a large life event (e.g. change of relationship status or redundancy), those under managed migration will not also be coping with such an event. In order to prepare for the main migration process the DWP would be undertaking a pilot in the Harrogate area under the 'Who Knows Me' approach to assess the effectiveness of methods in place for migration, prior to rolling it out nationally.

With regards to the issue of homelessness in Denbighshire the Chair advised that Partnerships Scrutiny Committee would be considering the matter at its meeting on 11 July 2019. The Lead Member for Well-being and Independence stated that she was of the view that Denbighshire as a local authority, along with its partners, had

been exemplary in their preparation work for the introduction of UC and that she looked forward to receiving the findings of the study on UC and homelessness in Denbighshire.

At the conclusion of the discussion the Committee:

Resolved: - *subject to the above observations*

- (i) to congratulate the Council on its approach and management of support to residents in relation to Universal Credit in Denbighshire;*
- (ii) to continue to support and endorse the project delivery method employed by officers, namely the Universal Credit Board; and*
- (iii) request that a further report be presented to the Committee in late 2020/early 2021 assessing the impact of migrating legacy benefit recipients to Universal Credit on Council Services, and the effectiveness of measures taken by the Council and its partners to mitigate the effects of transferring to Universal Credit on residents and on Council Services.*

8 SCRUTINY WORK PROGRAMME

The Scrutiny Coordinator introduced the report (previously circulated) seeking members' review of the Committee's work programme and provided an update on relevant issues.

Members were advised that the meeting on the 4 July had 5 substantial items. It was agreed that the draft report on the Llantysilio Mountain Fire should be discussed at a special private meeting of the Committee prior to the 4 July, prior to being circulated to partner organisations for consultation in readiness for publication ahead of September's meeting.

Members were reminded that the next meeting would be its first meeting of the new municipal year, therefore the Committee would be asked to elect its Vice-Chair for 2019/20. Members interested in being appointed to this role were requested to send their CVs to the Scrutiny Co-ordinator by the 30 June.

RESOLVED that, *subject to the above, the forward work programme as detailed in Appendix 1 to the report be approved.*

9 FEEDBACK FROM COMMITTEE REPRESENTATIVES

None.

The meeting concluded at 1.06 p.m